

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Yes. It's perfectly possible that tomorrow I'll want to make a "fair use" copy using technology that, for whatever reason, hasn't been "approved" by those who advocate or create the broadcast flag. The broadcast flag would in this case be acting to inhibit the takeup of alternative technology--the benefit of incumbent technologies, but to the detriment of innovation.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices?

Yes. Any time an electronic signal uses technology expressly designed to limit its use, our (consumers') ability to use the signal for legitimate but unforeseen uses ends up being compromised in unpredictable ways.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

Yes. I love getting new equipment, but I hate being forced to do so simply because "the industry" (any industry) has introduced some new technology which benefits them but doesn't benefit from me. In addition, it's a waste of natural resources to force consumers to keep buying new equipment if they (the consumers) feel their old equipment works just fine.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Every closed standard limits innovation--see Lessig's "The Future of Ideas". The broadcast flag is, after all, designed to limit use of creative products, not to foster them. By definition, the broadcast flag will reduce consumer choice in terms of new technology.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

It will doubtlessly increase the cost of equipment. Every additional piece of circuitry costs something. Adding catalytic converters to cars to protect the environment cost something--but that was in the service of a noble idea. Why should I, the consumer, have to pay more for my electronics in order to protect the interests of a few major corporations? Those corporations will respond that they are standing up for all owners of intellectual property rights, but I as well as millions of other Americans are also owners of intellectual property--yet we believe that draconian innovation-inhibiting measures like the DMCA and the broadcast flag impinge upon our rights more than they protect them.

Other Comments:

Digital rights management is, simply, prior censorship. Just as, we in the US have agreed that, with respect to freedom of expression, we prefer to provide people with freedom and then, ex post facto, punish abuse rather than simply withhold that freedom in the first place, so with the use of intellectual property. The broadcast flag is simply a means of prior control and implementing it implies a presumption that consumers cannot and should not be trusted to follow the law. Strengthening that presumption strengthens the basis for a police state in which everyone's rights and activities are as proscribed as major corporations want, disregarding the

founders' basic emphasis on liberty.